

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SECUNDA GUMBS,

Plaintiff,

22 **CIVIL** 4659 (VEC)

-against-

JUDGMENT

TINA M. STANFORD, CHAIRPERSON,
NEW YORK STATE BOARD OF PAROLE,
Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated September 12, 2023, the Court ADOPTS the Report and Recommendation in full. Pursuant to 28 U.S.C. § 2253, the Court issues a certificate of appealability as to whether Petitioner has demonstrated that the Appellate Division's harmless-error analysis was an unreasonable application of federal law and that the erroneously admitted evidence at trial had a substantial and injurious effect on the verdict. Petitioner is also granted in forma pauperis status for the purposes of any appeal. See *Coppedge v. United States*, 369 U.S. 438, 445-46 (1962) (concluding that an appeal may be taken in forma pauperis if made in "good faith"); *Laboriel v. Lee*, 2021 WL 76170, at *6 (S.D.N.Y. Jan. 7, 2021) (issuing a certificate of appealability and granting in forma pauperis status), *aff'd*, 2022 WL 4479527 (2d Cir. Sept. 27, 2022); accordingly, the case is closed.

DATED: New York, New York
September 12, 2023

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk